

STATE OF ILLINOIS  
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

CHICAGO BOARD OF EDUCATION,

Charging Party,

v.

CHICAGO TEACHERS UNION,

Respondent.

Case No. 2016-CB-0018-C

NOTICE OF FILING

Susan Willenborg  
General Counsel  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, IL 60601

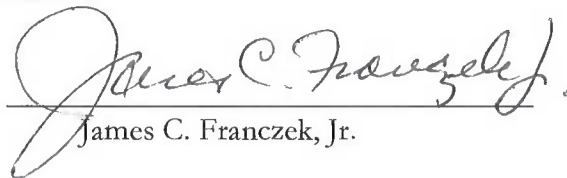
Ellen Strizak  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, IL 60601

Robert E. Bloch  
Dowd, Bloch, Bennet, Cervone, Auerbach & Yokich  
8 S. Michigan Avenue, 19th Floor  
Chicago, IL 60603

PLEASE TAKE NOTICE that on June 22, 2016, the undersigned attorney caused the attached Board of Education of the City of Chicago's Amended Charge to be filed with the Illinois Educational Labor Relations Board, a copy of which is hereby served upon you.

BOARD OF EDUCATION OF THE CITY OF  
CHICAGO

By:

  
James C. Franczek, Jr.

James C. Franczek, Jr.  
Sally J. Scott  
David A. Johnson  
Franczek Radelet P.C.  
300 South Wacker Drive, Suite 3400  
Chicago, IL 60606  
(312) 986-0300  
Dated: June 22, 2016

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JUN 22 2016  
ILLINOIS EDUCATIONAL LABOR  
RELATIONS BOARD • CHICAGO

STATE OF ILLINOIS ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD AMENDED CHARGE AGAINST EMPLOYEE ORGANIZATION OR ITS AGENTS		DO NOT WRITE IN THIS SPACE
		Case No. 2016-CB-0018-C
		Date Filed 22 June 2016
INSTRUCTIONS: File an original and 2 copies of this charge with the IELRB Executive Director at the IELRB Office in Chicago or Springfield.		
1. EMPLOYEE ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT		
a. Name Chicago Teachers Union, Local No. 1, American Federation of Teachers, AFL-CIO	b. Union Representative to Contact Robert E. Bloch	
d. Address ( <i>street, city, state and ZIP code</i> ) Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich, 8 S. Michigan, 19 <sup>th</sup> Fl., Chicago, IL 60603		
e. The above-named organization(s) or its agents has ( <i>have</i> ) engaged in and is ( <i>are</i> ) engaging in unfair labor practices within the meaning of section 14(b), subsection(s) (1), (3), Section 3(a), Section 10, and Section 13(b) of the Illinois ( <i>list subsections</i> ) Educational Labor Relations Act, and these unfair labor practices are unfair labor practices within the meaning of the Act.		
2. Basis of the Charge ( <i>Be specific as to facts, names, addresses, dates, places, etc.</i> ) See attached.		
3. Relief Sought See attached.		
4. Name of Employer Board of Education of the City of Chicago		5. Telephone No. (773) 553-1641
6. Location Involved ( <i>street, city, state and ZIP code</i> ) One North Dearborn Street, Suite 900, Chicago, IL 60602		7. Employer Representative to Contact Joseph T. Moriarty
8. Full Name of Party Filing Charge Joseph T. Moriarty		
9. Address of Party Filing Charge ( <i>street, city, state and ZIP code</i> ) Board of Education of the City of Chicago, One North Dearborn Street, Suite 900, Chicago, IL. 60602		10. Telephone No. (773) 553-1641
11. DECLARATION		

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I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By:   
*(signature of representative or person making charge)*

Labor Relations Officer  
*(title or office, if any)*

Address: One North Dearborn St., Suite 900, Chicago, IL, 60602

(312) 786-6585  
*(Telephone No.)*

June 5, 2016  
*(date)*

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**Amended Charge Number 2016-CB-0018-C  
Attachment**

**I. Parties:**

1. The Chicago Board of Education (CBOE) is an educational employer within the meaning of Section 2(a) of the Illinois Educational Labor Relations Act, 115 ILCS 5/2(a).
2. The Chicago Teachers Union (CTU) is a labor organization and the exclusive representative of educational employees employed by CBOE as defined Sections 2(c) and (d) of the Act, 115 ILCS 5/2(c) and (d).

**II. The Alleged Unfair Labor Practices**

3. On April 1, 2016, the CTU declared a 1-day strike in violation of Section 13(b) of the Illinois Educational Labor Relations Act, 115 ILCS 5/1, et seq.
4. Section 13(b) of the Act details specific requirements that must be met before a lawful strike may take place. Any strike, regardless of the reason, that occurs prior to the completion of all of the Section 13(b) requirements is illegal and violates Sections 13(b) and 14(b)(3) of the Illinois Educational Labor Relations Act, 115 ILCS 5/1.
5. In advance of that illegal strike, CTU advised its membership that failing to participate in the strike would result in punitive actions, including membership suspension and fines.
6. On April 1, 2016, the CBOE filed an unfair labor practice charge (Case No. 2016-CB-0016-C) in which it alleged that the April 1, 2016 strike was illegal.
7. On April 13, 2016, the IELRB issued a complaint in Case No. 2016-CB-0016-C, which is set for hearing in September 2016.
8. On April 21, 2016, the IELRB found that the CPS had a substantial likelihood of success on the merits of the complaint and granted CBOE's request that the IELRB seek injunctive relief to prohibit future illegal strikes of the kind the CTU engaged in on April 1, 2016.
9. Since April 1, 2016, the CTU, through its officers, agents and proxies, including but not limited to Michael Brunson, have restrained and coerced the CBOE employees in the bargaining unit who worked on April 1 and thereby refused to participate in the Union's unlawful strike on April 1, 2016, by:
  - a. threatening to expose employees and hold them up to ridicule by their colleagues;
  - b. denying them rights as members of the CTU;
  - c. advising employees that they must forfeit their pay for April 1, 2016 to CTU; and

- d. threatening that another non-profit organization under their control would withhold future funding for extracurricular activities.

10. The April 1, 2016 strike was unlawful. Therefore, employees who withheld their labor in furtherance of the strike also violated the Act. The employees who worked on April 1 did not violate the Act, and the CTU had no legal authority to prevent employees from going to work on April 1, 2016.

11. In its May 20, 2016 Opinion and Order, the Illinois Educational Labor Relations Board observed that the CTU failed to recognize its April 1, 2016 strike was likely illegal and could not be repeated. By coercing and disciplining employees who refused to participate in the illegal strike, the CTU defies the IELRB and continues in its misguided and erroneous position that the strike was not illegal.

12. The CTU's discipline and fines against employees who engaged in protected activity by refusing to participate in the CTU's unlawful strike were taken in furtherance of the CTU's illegal act and must, therefore, also be found to be an unlawful furtherance of the illegal strike.

13. The CTU's unlawful conduct in furtherance of the CTU's illegal strike violates Sections 3(a), 10, 13 (b), and 14(b)(1) and (b)(3) of the Act.

### **III. Remedies Sought**

14. The remedies sought by CBOE include:

- a. Cease and Desist Order.
- b. All damages incurred by CPS and employees as a consequence of the CTU's illegal acts.
- c. The CBOE's legal fees.
- d. Fines and sanctions.
- e. Any other relief the Illinois Educational Labor Relations Board deems appropriate.

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that he caused a copy of the foregoing **Chicago Board of Education's Amended Charge** to be served upon the individuals listed below via electronic mail and personal service on this 22nd day of June, 2016 prior to 5:00 p.m.:

Susan Willenborg  
General Counsel  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street  
Suite N-400  
Chicago, IL 60601  
[susan.willenborg@illinois.gov](mailto:susan.willenborg@illinois.gov)

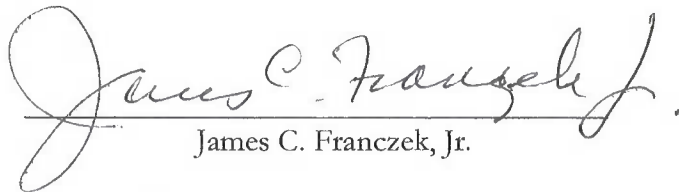
Ellen Strizak  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street  
Suite N-400  
Chicago, IL 60601  
[ellen.strizak@illinois.gov](mailto:ellen.strizak@illinois.gov)

Robert E. Bloch  
Dowd, Bloch, Bennet, Cervone, Auerbach & Yokich  
8 S. Michigan Avenue, 19th Floor  
Chicago, IL 60603  
[rebloch@laboradvocates.com](mailto:rebloch@laboradvocates.com)

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James C. Franczek, Jr.